Comment on Recent Cases

ALIENS: NATURALIZATION: "WHITE PERSON".—Who shall be admitted to American citizenship, and who excluded is a vital question to those within the pale, and those without, today. The court holds in *In re Dow*,[1] that a Syrian is not a white person within the meaning of the statute that extends the privilege of admission to whites and those of African descent; a rather peculiar decision for a court of a Christian country.

There are two ways of approaching this subject, one by giving to the term white, the meaning it enjoys in the ordinary, everyday sense given it by the people of the streets. The other is to construe it in the light of the latest scientific investigation. The first method has been followed in the leading decisions[2] up to this case where the classification of races adopted has been that of Blumenbach, the German authority of the last century, who divided the world's people into Caucasians, Mongolians, Ethiopians, Malays, and American Indians. He placed the Syrian and the Semite within the Caucasian group and in this, has been endorsed by the ethnological students of the old school and the new. Although Blumenbach in his classification is not, followed today, he is still an authority, as regards the Syrian's position among the whites.

The latest scientists, by studying and classifying skin, color, language, the shape of the head, the texture of the hair, and the color of the eyes, have concluded (as reviewed in Ripley's "Races of Europe") that the Syrian is a white and concur with the earlier, popular opinion.[3]

The court further argues that even if the old Semites were whites, the repeated invasions of the East have radically changed the stock. By analyzing the conquests of Syria, we find this con-

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[1] (April 15, 1914), 213 Fed. 335.

[2] United States v. Balsara (1910), 180 Fed. 694; In re Akhay Kinnar Mozumdar (1913), 207 Fed. 115; In re Ellis (1910), 179 Fed. 1002; In re Mudarri (1910), 176 Fed. 465; In re Najour (1909), 174 Fed. 735.

[3] Prichard, "Natural History of Man"; Pickering, "Races of Man"; Figuier, "The Human Race"; Keane, "Ethnology", "World's People"; Hutchinson, "Living Races of Mankind"; Huxley, "Man's Place in "Nature and Other Essays"; De Quatrefages, "Histoire Generale des Races Humaines"; Johnston, "Race et caste dans l' Inde"; Chantres, "Recherches Anthropologiques dans le Caucase"; Topinard, "Anthropology"; Livi, "Ethnological Essays".

clusion unwarranted. The first settlers were the Amorites, fair in color with blue eyes, of unquestioned white blood, then in succession the Semites, Persians, Greeks and Macedonians, Romans, Arabs, Crusaders, Turks, and French. Of ten conquerors, all but two were members of the white race. So admitting that Syria is a compound of races, the predominant strain is white. But presuming that the conquerors were Asiatic, which they were not, it is surprising that the learned Judge did not discuss the possibility of these successive conquests not leaving physical results, of being what Bryce called a "top-dressing" of population. Remembering the Romans in Gaul and Brittany, and the English in Acquitania, the Tartars in Russia, the Saracens in Spain, and their disappearance today in those regions, anthropologically, we might well argue the existence of the original Semitic stock in Syria today and their right to be classified in the white race. Part of the Hindoos fall within this category, the descendants of the original white invaders in India being clearly entitled to admission to American citizenship, though their number is insignificant as compared with the great mass of Asiatics surrounding them.

The conclusion of the court is, that the definition of whites should be geographical, that none but whites from Europe or of European descent should be admitted to citizenship. Although evidently the court does not believe with Huxley, that "as Americans we should be endowed with the serene impartiality of the mongrel", yet, how can the court reconcile the presence in this privileged European group of Magyars, Lapps and Finns who are of Ugric Asiatic stock, the Basques and Albanians, the Moorish inhabitants of Spain and Portugal, the mixed Latin, Greek, Phoenician, inhabitants of Sicily and the mixed Slav and Tartar inhabitants of Southern Russia? How can the court conscientiously admit these evident Mongolian and Asiatic strains and at the same time bar the Syrians of the Mediterranean group of whites? The inconsistency of this position is very apparent.

L. G.

BANKRUPTCY: JURISDICTION OVER CORPORATION AFTER DISSOLUTION.—The opinion in the case of *In Re Double Star Brick Co.*[1] is of interest as illustrating the disposition of the federal courts not to restrict their jurisdiction by a too narrowly logical construction of the Bankruptcy Act. In that case a corporation had forfeited its charter under the provisions of the California License Tax Act,[2] before the filing of the petition in bankruptcy; but upon motion by certain of the creditors to dissolve the adjudication, the court was held to have jurisdiction.

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[1] (District Court, N. D. Cal., Feb. 5, 1913), 210 Fed. 980.

[2] 1905 Stat. Cal. 493. This act has been repealed, 1913 Stat. Cal. 680.